



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,340	09/24/2003	Keiichiro Yoshihara	C14-161470M/TRK	4401

21254 7590 12/07/2006

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER

CHOW, DOON Y

ART UNIT	PAPER NUMBER
----------	--------------

2629

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/668,340

Applicant(s)

YOSHIHARA, KEIICHIRO

Examiner

Dennis-Doon Chow

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 18-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 18-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Scott et al. (US-5638504).

Regarding to claims 1 and 18-20, AAPA discloses a vehicle-mounted acoustic apparatus (pages 1-4) comprising a CD play, a radio, and a display device for image information such icon images and map images.

AAPA fails to disclose displaying a first and second images as claimed.

Scott discloses a display device comprising: a display unit configured to display a first symbol indicating a control object and a second symbol indicating details of a control in a predetermined display position (col. 16, lines 57-67), respectively; a selection unit configured to select at least one of the first and the second symbols displayed on the display unit in response to an instruction operation; a movement unit configured to move the display position of the selected symbol in response to a movement operation; and a control unit configured to execute the details of the control corresponding to the second symbol with respect to the control object corresponding to the first symbol in response to an execution operation (col. 16, lines 57-67).

In light of Scott, it would have been obvious to one of ordinary skill in the art to use Scott's display device in AAPA's apparatus because Scott's display device allows the user to manipulate displayed objects faster and easier.

Regarding to claim 2, Scott's control unit executes the details of the control when the control unit detects that the display position of the first symbol overlaps the display position of the second symbol at a time the movement operation has stopped.

Regarding to claims 3-4, Scott further discloses a touch sensor configured to detect a touch position in response to a touch of a display screen of the display unit (col. 3, lines 52-54). The selection unit inherently selects the first and second symbols in response to the touch of the display screen, and the movement unit inherently moves the display position of the selected symbol in response to the movement operation in which the touch being slid on the display screen.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Scott et al. as applied to claim 4 above, and further in view of Astala et al. (6943778).

Scott does not disclose selecting one of the first and second symbols when the display screen is touched for a predetermined time period.

Astala, in the same input display field, disclose simulating a mouse click when a display screen is touched for a predetermined time period (col. 2, lines 19-37).

In light of Astala, it would have been obvious to one of ordinary skill in the art to use Astala's timing means in Scott's selection unit of the modified AAPA to select one of the first and second symbols. By doing so the first and second symbols can be prevented from inadvertently activated.

4. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al. in view of Caswell et al. (4642459).

Scott discloses an electronic equipment comprising: a display unit configured to display a first symbol indicating a control object and a second symbol indicating details of a control in a predetermined display position (col. 16, lines 57-67), respectively; a selection unit configured to select at least one of the first and the second symbols displayed on the display unit in response to an instruction operation; a movement unit configured to move the display position of the selected symbol in response to a movement operation; and a control unit configured to execute the details of the control corresponding to the second symbol with respect to the control object corresponding to the first symbol in response to an execution operation (col. 16, lines 57-67).

Scott fails to disclose a light sensor configured to detect irradiation light from the display unit.

Caswell discloses a light pen comprising a light sensor configured to detect irradiation light from a display unit (see abstract).

In light of Caswell, it would have been obvious to one of ordinary skill in the art to use Caswell's light pen as an input device in Scott's electronic equipment because the light pen provides an additional writing capability.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al. in view of Caswell et al. as applied to claims 6-7 above, and further in view of Astala et al.

The above disclosure of Scott, Caswell, and Astala applied here as well.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Scott et al. as applied to claims 1 above, and further in view of Lundqvist (US-6424844).

The modified AAPA does not disclose distinguishing between an instantaneous touching of the display screen and a selection of one of the symbols.

Lundqvist, in the same display field, discloses distinguishing between an instantaneous touching of a display screen and a selection of the display screen by detecting the time period of the display screen being touched (col. 4, lines 25-30). This prevents accidentally activating the display screen from an inadvertent touching of the display screen (col. 4, lines 25-30).

Thus, it would have been obvious to one of ordinary skill in the art to use Lundqvist's concept in the invention of the modified AAPA. By doing so, the symbols

Art Unit: 2629

can be prevented from accidentally activated when the display screen is inadvertently touched.

7. Claims 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al. in view of Caswell et al. as applied to claim 6 above, and further in view of Tanaka et al. (5151688).

The modified AAPA does not disclose the light beam is irradiated onto the display screen from a remote location, and the light sensor formed with the display screen for detecting the light beam.

Tanaka, in the same display field, discloses a light pen for irradiating a light beam onto a display screen from a remote location, and light sensors formed with the display screen for detecting the light beam (Abstract).

In light of Tanaka, it would have been obvious to one of ordinary skill in the art to substitute Tanaka's input means for the input means of the modified AAPA. By doing so, the power consumption and the size of the electronic equipment can be reduced (col. 1, lines 13-20; col. 2, lines 20-25).

8. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al. in view of Caswell et al. as applied to claim 6 above, and further in view of Lundqvist (US-6424844).

The modified AAPA does not disclose distinguishing between an instantaneous irradiation of the display screen and a selection of one of the symbols.

Lundqvist, in the same display field, discloses distinguishing between an instantaneous touching of a display screen and a selection of the display screen by detecting the time period of the display screen being touched (col. 4, lines 25-30). This prevents accidentally activating the display screen from an inadvertent touching of the display screen (col. 4, lines 25-30).

Thus, it would have been obvious to one of ordinary skill in the art to use Lundqvist's concept in the invention of the modified AAPA. By doing so, the symbols can be prevented from accidentally activated when the display screen is inadvertently irradiated.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claim 26 rejected under 35 U.S.C. 102(b) as being anticipated by Scott et al. (US5638504).

Scott discloses an electronic equipment comprising: a display unit configured to display a first symbol indicating a control object and a second symbol indicating details of a control in a predetermined display position (col. 16, lines 57-67), respectively; a selection unit configured to select at least one of the first and the second symbols

Art Unit: 2629

displayed on the display unit in response to an instruction operation; a movement unit configured to move the display position of the selected symbol in response to a movement operation; and a control unit configured to execute the details of the control corresponding to the second symbol with respect to the control object corresponding to the first symbol in response to an execution operation (col. 16, lines 57-67).

11. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al. in view Tanaka et al. (5151688).

Scott does not disclose the light beam is irradiated onto the display screen from a remote location, and the light sensor formed with the display screen for detecting the light beam.

Tanaka, in the same display field, discloses a light pen for irradiating a light beam onto a display screen from a remote location, and light sensors formed with the display screen for detecting the light beam (Abstract).

In light of Tanaka, it would have been obvious to one of ordinary skill in the art to substitute Tanaka's input means for Scott input means. By doing so, the power consumption and the size of the electronic equipment can be reduced (col. 1, lines 13-20; col. 2, lines 20-25).

Response to Arguments

12. Applicant's arguments filed 9/6/2006 have been fully considered but they are not persuasive.

Art Unit: 2629

With regarding to claim 5, applicant argues that Astala does not contemplate *distinguishing between an instantaneous touching of the display screen and a selection of at least one of the first and the second symbols when the display screen is touched*. Applicant's argument is irrelevant because claim 5 does not require the limitations as argued.

With regarding to claim 6, applicant argues that the light sensor, as claimed, detects light irradiated onto the display screen, not light emitted from the display screen. The examiner disagrees with applicant's argument. Claim 6 recites "*a light sensor configured to detect an irradiation position in response to a light beam with which a display screen of the display unit is irradiated*". This claimed limitation is clearly different from the light sensor detects light irradiated onto the display screen. The claim limitation does not disclose how the display screen is irradiated.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis-Doon Chow whose telephone number is 571-272-7767. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on 571-272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

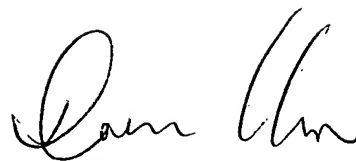
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dennis-Doon Chow
Primary Examiner
Art Unit 2629

Application/Control Number: 10/668,340
Art Unit: 2629

Page 11

D. Chow
November 24, 2006

A handwritten signature in black ink, appearing to read "Dennis-Doon Chow". The signature is fluid and cursive, with the first name "Dennis" and last name "Chow" clearly distinguishable.

DENNIS-DOON CHOW
PRIMARY EXAMINER